

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEILANI JIMENEZ, individually, and as  
successor-in-interest for Decedent DENNIS  
JIMENEZ; J.J., a minor, by and through his  
guardian ad litem Leilani Jimenez; D.J., a minor,  
by and through her guardian ad litem Leilani  
Jimenez, and DENNIS JIMENEZ, Jr. an  
individual; DENISE GAINES, an individual; and  
ANITA JIMENEZ, an individual,

Plaintiff,

v.

COUNTY OF ALAMEDA, et al.,

Defendant.

No. C 13-04620 CRB

**ORDER RE: MOTION FOR PARTIAL  
SUMMARY JUDGMENT AND REQUEST  
FOR TIME TO COMPLETE  
ADDITIONAL DISCOVERY**

Defendant has moved for partial summary judgment. See Motion (dkt. 35). Plaintiff's response notes that discovery in this matter has not been closed and that Plaintiff wishes to depose at least one additional witness. See Response (dkt. 38) at 9. Rule 56(d) provides that "[i]f a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may: (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any appropriate order." Fed. R. Civ. P. 56(d). Plaintiff did not include an affidavit or declaration with its response as required by Rule 56(d), see Response (dkt. 38), and

//

1 Plaintiff is ordered to submit such an affidavit no later than Monday, September 21, 2015.

2  
3 **IT IS SO ORDERED.**

4  
5 Dated: September 16, 2015



6 CHARLES R. BREYER  
7 UNITED STATES DISTRICT JUDGE  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28